

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 14
NURSES

54-1401. PURPOSE -- LICENSE REQUIRED -- REPRESENTATION TO THE PUBLIC. In order to safeguard the public health, safety and welfare, it is in the public interest to regulate and control nursing in the state of Idaho, to promote quality health care services, to prohibit unqualified and dishonest persons from practicing nursing, and to protect against acts or conduct which may endanger the health and safety of the public.

(1) License required. It shall be unlawful for any person to practice nursing or offer to practice nursing unless that person is duly licensed pursuant to this chapter.

(2) Representation to the public. Only a person who holds a valid and current license to practice registered nursing in this state or a party state pursuant to sections [54-1408](#) and [54-1418](#), Idaho Code, may use the title "nurse," "registered nurse," "graduate nurse" or "professional nurse" or the abbreviation "R.N." or any other designations, titles or abbreviations to indicate that the person is practicing nursing in this state. Only a person who holds a valid and current license to practice practical nursing in this state or a party state pursuant to sections [54-1407](#) and [54-1418](#), Idaho Code, may use the title "nurse," "licensed practical nurse," or the abbreviation "L.P.N." or any other designations, titles or abbreviations to indicate that the person is practicing nursing in this state.

(3) All applicants for original licensure and for license reinstatement shall submit to a fingerprint-based criminal history check of both the Idaho central criminal database and the federal bureau of investigation criminal history database. All such applicants shall submit a full set of their fingerprints and any relevant fees directly to the Idaho board of nursing for forwarding to the appropriate law enforcement agency for processing. Criminal background reports received by the board from the Idaho state police and the federal bureau of investigation shall be used only for licensing decisions and handled and disposed of in a manner consistent with requirements imposed by the Idaho state police and the federal bureau of investigation.

[54-1401, added 1977, ch. 132, sec. 2, p. 280; am. 2003, ch. 188, sec. 1, p. 510; am. 2004, ch. 268, sec. 1, p. 751; am. 2008, ch. 67, sec. 1, p. 172; am. 2012, ch. 142, sec. 1, p. 371; am. 2014, ch. 44, sec. 1, p. 116.]

54-1402. DEFINITIONS. As used in this chapter:

(1) "Advanced practice registered nurse" means a registered nurse licensed in this state who has gained additional specialized knowledge, skills and experience through a program of study recognized or defined by the board. An advanced practice registered nurse is authorized to perform advanced nursing practice, which may include the prescribing, administering and dispensing of therapeutic pharmacologic agents, as defined by board rules. An advanced practice registered nurse shall perform only those acts as provided by the board and for which the individual is educationally prepared. Advanced practice registered nurses shall include the following four (4) roles: certified nurse-midwife; clinical nurse specialist; certified nurse practitioner; and certified registered nurse anesthetist as defined

in board rule. An advanced practice registered nurse collaborates with other health professionals in providing health care.

(2) "Board" means the board of nursing.

(3) "Licensed practical nurse" means a person licensed by the board who practices nursing by:

- (a) Functioning at the direction of a licensed registered nurse, licensed advanced practice registered nurse, licensed physician, or licensed dentist in a role falling within the nurse's scope of practice as defined by the board;
- (b) Contributing to the assessment of the health status of individuals and groups of individuals;
- (c) Participating in the development and modification of the strategy of care;
- (d) Implementing the appropriate aspects of the strategy of care as defined by the board, including administering medications and treatments as prescribed by those health care providers authorized to prescribe medication;
- (e) Maintaining safe and effective nursing care rendered directly or indirectly;
- (f) Participating in the evaluation of responses to interventions; and
- (g) Delegating nursing interventions that may be performed by others and that do not conflict with this chapter.

(4) "Licensed registered nurse" means a person licensed by the board who practices nursing by:

- (a) Assessing the health status of individuals and groups of individuals;
- (b) Identifying health care problems that are amenable to nursing intervention;
- (c) Establishing goals to meet identified health care needs;
- (d) Planning a strategy of care;
- (e) Prescribing nursing interventions to implement the strategy of care;
- (f) Implementing the strategy of care, including administering medications and treatments as prescribed by those health care providers authorized to prescribe medication;
- (g) Authorizing nursing interventions that may be performed by others and that do not conflict with this chapter;
- (h) Maintaining safe and effective nursing care rendered directly or indirectly;
- (i) Evaluating responses to interventions;
- (j) Teaching the theory and practice of nursing;
- (k) Managing the practice of nursing; and
- (l) Collaborating with other health professionals in the management of health care.

(5) "Nursing education program" means a course of instruction offered and conducted to prepare persons for the practice of nursing, or to increase the knowledge and skills of the practicing nurse.

(6) "Practice of nursing" means the performance by licensed practical nurses, registered nurses and advanced practice registered nurses of acts and services that require formal nursing education and specialized knowledge, judgment and skill, which acts and services assist individuals, groups, communities and populations in order to promote, maintain or restore optimal health and well-being throughout the life process. Nursing practice

encompasses a broad continuum of services delivered in health care and non-health care environments for remuneration or as volunteer service. Nursing practice may be clinical as well as nonclinical in a variety of areas including, but not limited to, education, administration, research and public service. Nursing practice occurs at the physical location of the recipient.

[54-1402, added 1977, ch. 132, sec. 2, p. 280; am. 1984, ch. 57, sec. 1, p. 101; am. 1991, ch. 149, sec. 1, p. 358; am. 1994, ch. 232, sec. 1, p. 723; am. 1998, ch. 118, sec. 1, p. 435; am. 2004, ch. 262, sec. 1, p. 739.; am. 2012, ch. 142, sec. 2, p. 372; am. 2016, ch. 215, sec. 1, p. 603.]

54-1403. BOARD OF NURSING. (1) Appointment, Removal and Term of Office. There is hereby created within the department of self-governing agencies the board of nursing for the state of Idaho composed of nine (9) members appointed by the governor. Membership of the board shall consist of the following:

- (a) Five (5) persons licensed to practice registered nursing in Idaho;
- (b) Two (2) persons licensed to practice practical nursing in Idaho;
- (c) One (1) person licensed as an advanced practice registered nurse in Idaho; and
- (d) One (1) person who is a lay person to health care occupations.

In making appointments to the board, consideration shall be given to the board's responsibility in areas of education and practice. Members of the board shall hold office until expiration of the term to which the member was appointed and until his successor has been duly appointed and qualified. Upon expiration of any term or creation of any vacancy, the board shall notify the governor thereof, who then shall make such appointment or fill such vacancy within sixty (60) days. Appointments shall be for terms of four (4) years except appointments to vacancies which shall be for the unexpired term being filled. No member shall be appointed for more than three (3) consecutive terms. All board members shall serve at the pleasure of the governor.

(2) Qualifications of Members. No person is qualified for appointment hereunder unless that person is a citizen of the United States and a resident of the state of Idaho. Members required to be licensed hereunder shall not be qualified for appointment to the board unless actively engaged in some field of nursing in Idaho at the time of appointment. No person is qualified for appointment as a lay member of the board if the person or his spouse is licensed in any health occupation; is an employee, officer or agent of or has any financial interest in any health care facility, institution, or association or any insurance company authorized to underwrite health care insurance; or is engaged in the governance and administration of any health care facility, institution or association.

(3) Conduct of Business. The board shall meet at such times as required to conduct the business of the board and shall annually elect from its members a chairman, vice chairman and such other officers as may be desirable. Five (5) members shall constitute a quorum and the vote of a majority of members present at a meeting wherein a quorum is present shall determine the action of the board. Each member of the board shall be compensated as provided by section [59-509](#)(i), Idaho Code.

[54-1403, added 1977, ch. 132, sec. 2, p. 281; am. 1980, ch. 247, sec. 60, p. 624; am. 1998, ch. 118, sec. 2, p. 439; am. 1999, ch. 310, sec. 1,

p. 771; am. 2010, ch. 57, sec. 1, p. 107; am. 2012, ch. 142, sec. 3, p. 374; am. 2016, ch. 340, sec. 17, p. 940; am. 2017, ch. 49, sec. 1, p. 79; am. 2018, ch. 156, sec. 1, p. 313.]

54-1404. BOARD OF NURSING -- POWERS AND DUTIES. The board shall have all powers and duties necessary and incident to regulation of nursing and to enforcement of this chapter including, but not limited to, the power and duty:

(1) To regulate individuals designated as certified medication assistants;

(2) To license qualified persons for practice of nursing in Idaho; to renew licenses; to limit, restrict, amend, deny, suspend or revoke licenses; and to accept the voluntary surrender of a license;

(3) To establish alternatives to formal disciplinary action including a practice remediation program to educate and remediate nurses as a result of nursing practice deficiencies;

(4) To establish standards, criteria, conditions and requirements for licensure and to investigate and determine eligibility and qualifications for licensure, and to administer examinations for licensure;

(5) To establish standards of conduct and practice and to regulate the use of titles, abbreviations and designations for the practice of nursing;

(6) To establish standards, criteria, and requirements for curricula for nursing education programs and to evaluate, survey, review and approve nursing education programs subject to the provisions of section [54-1406](#), Idaho Code;

(7) To evaluate continuing competency of persons licensed pursuant to this chapter and to develop standards which will advance the competency of licensees in accordance with developing scientific understanding and methods relating to the practice of nursing;

(8) To receive and collect license and renewal fees assessed pursuant to this chapter and to assess, receive and collect additional reasonable fees for the administration of examinations, investigations and evaluations of applicants, issuance of temporary licenses, duplication and verification of records, surveying and evaluating nursing education programs, and administrative fines not to exceed one hundred dollars (\$100) for each count or separate offense of practicing nursing without current licensure, to be deposited in the state board of nursing account in the manner provided by this chapter;

(9) To employ personnel necessary to administer this chapter and rules promulgated pursuant to this chapter and perform such other duties as the board may require. Such personnel shall include an executive director who shall not be a member of the board;

(10) To maintain a record of board proceedings, annually report to the governor and maintain a public register of names and addresses of licensed nurses;

(11) To enter into interstate compacts, contracts or agreements to facilitate the practice and regulation of nursing in this state;

(12) To evaluate and develop, or to enter into contracts or agreements with others to evaluate and develop, the education, distribution and availability of the nursing workforce for the purpose of improving the delivery of quality health care;

(13) To make, adopt and publish rules pursuant to [chapter 52, title 67](#), Idaho Code, as may be necessary or appropriate to carry out the provisions and purposes of this chapter.

[54-1404, added 1977, ch. 132, sec. 2, p. 282; am. 1984, ch. 57, sec. 2, p. 102; am. 1995, ch. 351, sec. 1, p. 1163; am. 1998, ch. 118, sec. 3, p. 440; am. 2001, ch. 76, sec. 1, p. 184; am. 2007, ch. 139, sec. 1, p. 402; am. 2012, ch. 139, sec. 1, p. 366; am. 2012, ch. 140, sec. 1, p. 367; am. 2016, ch. 341, sec. 2, p. 966.]

54-1405. DISPOSITION OF FUNDS -- STATE BOARD OF NURSING ACCOUNT -- CREATION OF. All fees of any kind collected under the provisions of this act shall be deposited in the state treasury to the credit of an account to be known as the state board of nursing account in accordance with [chapter 8, title 57](#), Idaho Code, which is hereby created and all such monies as are now in or may hereafter come into such account are hereby appropriated for carrying out the purposes and objectives of this act and to pay all costs and expenses incurred in connection therewith.

Such monies shall be paid out upon warrants drawn by the state controller upon presentation of proper vouchers approved by the state board of nursing.

[54-1405, added 1977, ch. 132, sec. 2, p. 283; am. 1984, ch. 57, sec. 3, p. 103; am. 1994, ch. 180, sec. 98, p. 490.]

54-1406. NURSING EDUCATION PROGRAMS. Approval.

(1) Qualifications. Persons and institutions desiring to offer or conduct approved nursing education programs in the state of Idaho shall comply herewith. Approval shall be conditioned upon and subject to continuing compliance with standards adopted by the board respecting faculty, staff, curriculum, administration, financial stability and other matters affecting the quality of nursing education.

(2) Initial compliance. Upon receipt of an application hereunder, a survey of the program, including clinical facilities and affiliated institutions, shall be made under the direction of the executive director and a written report of the findings shall be submitted to the board. If the board determines that the standards have been met, it shall issue a certificate of approval.

(3) Continuing compliance. To ensure the continuing compliance with adopted standards, all approved nursing education programs shall be surveyed and reviewed periodically under the direction of the executive director. Written reports of the findings shall be submitted to the board. In the event any program fails to maintain compliance required by this section, the board may withdraw its prior certification, or impose such conditions and restrictions as may secure compliance within a reasonable period of time by notification in writing and specifying the reasons for the action. Action against any existing program must be based upon fact and subject to appeal as provided for administrative action pursuant to [chapter 52, title 67](#), Idaho Code.

[54-1406, added 1977, ch. 132, sec. 2, p. 283; am. 1995, ch. 351, sec. 2, p. 1164.; am. 2015, ch. 11, sec. 1, p. 16.]

54-1406A. CERTIFIED MEDICATION ASSISTANT (MA-C). (1) Effective July 1, 2008, an individual registered as a nursing assistant, without substantiated charges, on the nursing assistant registry currently maintained by the Idaho department of health and welfare, may, with additional education and training as set forth in rule as established by the board, become a

certified medication assistant (MA-C) permitted to administer medications as prescribed by an authorized provider within the parameters set forth in rule. A licensed nurse shall supervise the certified medication assistant.

(2) The board shall adopt rules regarding the certification of certified medication assistants, including rules applicable to education, training and other qualifications for certification that will ensure that the certified medication assistant is competent to perform safely within the range of authorized functions.

(3) The board shall maintain a public registry of the names and addresses of all certified medication assistants.

(4) The board is authorized to impose and collect initial application and two (2) year renewal fees, as well as reinstatement fees, not to exceed one hundred dollars (\$100), as determined by board rule. Fees collected pursuant to this section shall be deposited in the state board of nursing account for the administration of examinations, evaluations and investigations of applicants, issuance of certifications, evaluation of education and training programs, duplication and verification of records, and other administrative expenses.

(5) The board shall adopt by rule an application process.

(a) The application process shall include conducting a state and federal criminal background check on all applicants seeking certification pursuant to this section.

(b) All applicants for original certification or for certification reinstatement shall submit to a fingerprint-based criminal history check of both the Idaho central criminal database and the federal bureau of investigation criminal history database. All such applicants shall submit a full set of their fingerprints and any relevant fees directly to the Idaho board of nursing for forwarding to the appropriate law enforcement agency for processing. Criminal background reports received by the board from the Idaho state police and the federal bureau of investigation shall be used only for licensing decisions and handled and disposed of in a manner consistent with requirements imposed by the Idaho state police and the federal bureau of investigation.

(c) Upon meeting all requirements and upon the successful completion of additional education, training and competency assessment prescribed by rule, an applicant shall be certified as a certified medication assistant (MA-C).

(6) A person may not use the title "certified medication assistant" or the abbreviation "MA-C" unless such person has been duly certified pursuant to this section.

(7) The board shall adopt rules governing the approval of education and training programs for certified medication assistants.

(8) The board shall set forth in rule criteria for acceptable certified medication assistant competency evaluations.

(9) (a) For any one (1) or a combination of grounds for discipline as set forth in paragraph (b) of this subsection, the board shall have the authority to:

(i) File a letter of concern if the board believes there is insufficient evidence to support direct action against a certified medication assistant;

(ii) Deny certification or recertification, suspend, revoke, place on probation, reprimand, limit, restrict, condition or accept the voluntary surrender of a certificate issued pursuant

to this section if a certified medication assistant commits an act that constitutes grounds for discipline;

(iii) Refer criminal violations of this section to the appropriate law enforcement agency; and

(iv) Impose a civil penalty of not more than one hundred dollars (\$100) per violation.

(b) Grounds for discipline shall include:

(i) Substance abuse or dependency;

(ii) Client abandonment, neglect or abuse;

(iii) Fraud or deceit, which may include, but is not limited to:

(A) Filing false credentials;

(B) Falsely representing facts on an application for initial certification, renewal or reinstatement; and

(C) Giving or receiving assistance in taking the competency evaluation;

(iv) Boundary violations;

(v) Performance of unsafe client care;

(vi) Performing acts beyond the range of authorized functions or beyond those tasks delegated under the provisions of this section;

(vii) Misappropriation or misuse of property;

(viii) Obtaining money or property of a client, resident or other person by theft, fraud, misrepresentation or duress committed during the course of employment as a certified medication assistant;

(ix) Criminal conviction of a misdemeanor that directly relates to or affects the functions of a certified medication assistant or conviction of any felony as set forth in rule;

(x) Failure to conform to the standards of a certified medication assistant;

(xi) Putting clients at risk of harm; and

(xii) Violating the privacy or failing to maintain the confidentiality of client or resident information.

(10) The board shall comply with the provisions of the Idaho administrative procedure act, [chapter 52, title 67](#), Idaho Code, in taking any disciplinary action against a certified medication assistant and shall maintain records of any such disciplinary action, which records shall be available for public inspection to the same extent as records regarding disciplinary proceedings against nurses and as otherwise consistent with [chapter 1, title 74](#), Idaho Code. The assessment of costs and fees incurred in the investigation and prosecution or defense of a certified medication assistant shall be governed by the provisions of section [12-117\(5\)](#), Idaho Code.

(11) The board shall notify the Idaho nursing assistant registry of any disciplinary action taken against a certified medication assistant pursuant to this section.

[54-1406A, added 2007, ch. 139, sec. 2, p. 403; am. 2012, ch. 141, sec. 1, p. 369; am. 2015, ch. 141, sec. 137, p. 482; am. 2018, ch. 348, sec. 4, p. 799.]

54-1407. LICENSE FOR PRACTICAL NURSING. (1) Qualifications. To qualify for a license to practice practical nursing a person must:

(a) Have successfully completed the basic curriculum of an approved practical nursing education program or its equivalent; and

(b) Satisfy one (1) of the following requirements:

- (i) Pass an examination adopted and used by the board to measure knowledge and judgment essential for the safe practice of practical nursing; or
- (ii) Have a practical nursing license in good standing, without restriction or limitation, issued upon successful similar examination, approved by the board, conducted in another state, territory or foreign country; or
- (iii) Have a practical nursing license in good standing, without restriction or limitation, issued by another state, territory or foreign country and meet established board requirements; and
- (c) Be of sufficiently sound physical and mental health as will not impair or interfere with the ability to practice nursing.

(2) Fees. A qualified applicant shall be entitled to a license to practice practical nursing upon payment of a license fee to the board in an amount designated by the board not to exceed one hundred fifty dollars (\$150).

[(54-1407), added 1977, ch. 132, sec. 2, p. 284; am. 1995, ch. 351, sec. 3, p. 1165; am. & redesi. 1998, ch. 118, sec. 5, p. 441; am. 2002, ch. 80, sec. 1, p. 179; am. 2009, ch. 67, sec. 1, p. 190.]

54-1408. LICENSE FOR REGISTERED NURSING. (1) Qualifications. To qualify for a license to practice registered nursing, a person must:

- (a) Have successfully completed the basic curriculum of an approved registered nursing education program or its equivalent; and
- (b) Satisfy one (1) of the following requirements:
 - (i) Pass an examination adopted and used by the board to measure knowledge and judgment essential for the safe practice of registered nursing; or
 - (ii) Have a professional or registered nurse license in good standing, without restriction or limitation, issued upon successful similar examination, approved by the board, conducted in another state, territory or foreign country; or
 - (iii) Have a professional or registered nurse license in good standing, without restriction or limitation, issued by another state, territory or foreign country and meet established board requirements; and
- (c) Be of sufficiently sound physical and mental health as will not impair or interfere with the ability to practice nursing.

(2) Fees. A qualified applicant shall be entitled to a license to practice registered nursing upon payment of a license fee to the board in an amount designated by the board not to exceed two hundred dollars (\$200).

[(54-1408) 54-1407, added 1977, ch. 132, sec. 2, p. 284; am. & redesi. 1998, ch. 118, sec. 4, p. 441; am. 2002, ch. 80, sec. 2, p. 179; am. 2009, ch. 67, sec. 2, p. 190; am. 2012, ch. 142, sec. 4, p. 375.]

54-1409. LICENSE FOR ADVANCED PRACTICE REGISTERED NURSING. (1) Qualifications. To qualify for a license to practice advanced practice registered nursing, a person must:

- (a) Be currently licensed to practice as a registered nurse in Idaho; and
- (b) Have successfully completed an approved advanced practice registered nursing education program that meets the board requirements for

the role of advanced nursing practice for which the applicant is seeking licensure; and

(c) Have passed a qualifying examination recognized by the board and have current certification from a national organization recognized by the board; and

(d) Be of sufficiently sound physical and mental health as will not impair or interfere with the ability to practice nursing.

(2) Fees. A qualified applicant shall be entitled to a license to practice advanced practice registered nursing upon payment of a license fee to the board in an amount designated by the board not to exceed two hundred fifty dollars (\$250).

[54-1409, added 1998, ch. 118, sec. 6, p. 442; am. 2002, ch. 80, sec. 3, p. 180; am. 2012, ch. 142, sec. 5, p. 375.]

54-1410. NURSE EMERITUS LICENSE. (1) Any licensee in good standing, who desires to retire for any length of time from the practice of nursing in this state, shall submit a request in writing, surrender the current license, and pay the required fee; thereafter the current license shall be placed on inactive status and an emeritus status license issued.

(2) Fees are nonrefundable and cannot be prorated.

(3) An emeritus status license does not entitle the holder to practice nursing in the state of Idaho, except that:

(a) A registered nurse with an emeritus status license may use the title "registered nurse," or the abbreviation "RN"; and

(b) A practical nurse with an emeritus status license may use the title "licensed practical nurse," or the abbreviation "LPN"; and

(c) An advanced practice registered nurse with an emeritus status license may use an appropriate title or designation as set forth in section [54-1402](#) (1), Idaho Code.

(4) The board may reinstate a license with emeritus status to a license with active status upon payment of the required reinstatement fee, submission of a satisfactory reinstatement application and proof of current competency to practice.

(5) When disciplinary proceedings have been initiated against a licensee with emeritus status, the license shall not be reinstated until the proceedings have been completed.

[54-1410, added 2002, ch. 80, sec. 5, p. 180; am. 2012, ch. 142, sec. 6, p. 375; am. 2017, ch. 55, sec. 1, p. 85.]

54-1410A. TEMPORARY LICENSE. (1) The board may issue temporary licenses to:

(a) Graduates of approved nursing education programs seeking to qualify for licensure by this chapter; or

(b) Persons who have not actively engaged in the practice of nursing in any state for more than three (3) years immediately prior to application for licensure.

(2) Temporary licenses shall be issued upon such terms and conditions as the board may determine necessary to insure safe and qualified performance of nursing functions. The board shall define the nature, the scope and period of practice permissible under the temporary license.

[(54-1410A) (54-1410) 54-1409, added 1977, ch. 132, sec. 2, p. 285; am. & redesisg. 1998, ch. 118, sec. 7, p. 442; am. & redesisg. 2002, ch. 80, sec. 4, p. 180.]

54-1411. RENEWAL AND REINSTATEMENT OF LICENSE. (1) Renewal. Except for emeritus status, each license issued pursuant to this chapter shall be valid from the date of its issue until the first renewal date thereafter.

(a) No license shall be valid unless renewed each and every two (2) years on the renewal dates fixed by the board.

(b) The board may impose a renewal fee in an amount not to exceed one hundred dollars (\$100).

(c) A license that is not timely renewed is a lapsed license.

(2) Certified nurse-midwives, clinical nurse specialists, certified registered nurse anesthetists and certified nurse practitioners desiring license renewal must provide proof, satisfactory to the board, of the applicant's competence to practice by documenting completion of a peer review process.

(3) Reinstatement. A person whose license has lapsed, or who holds an emeritus status license in good standing, or whose license has been revoked, suspended, limited, conditioned or otherwise sanctioned by the board, may apply for reinstatement of the license to active and unrestricted status. A licensee's ability to apply for reinstatement may be subject to time constraints imposed by board rule or by the terms of a disciplinary order. An applicant for reinstatement must:

(a) Pay a reinstatement fee in an amount not to exceed one hundred dollars (\$100).

(b) Submit a completed reinstatement application and provide proof, satisfactory to the board, of the applicant's competency to practice.

(c) Document compliance with the terms and conditions set forth in any order of the board as a condition of reinstatement.

[(54-1411) 54-1410, added 1977, ch. 132, sec. 2, p. 285; am. 1984, ch. 57, sec. 4, p. 104; am. and redesisg. 1998, ch. 118, sec. 8, p. 442; am. 2002, ch. 80, sec. 6, p. 181; am. 2004, ch. 262, sec. 2, p. 741; am. 2012, ch. 142, sec. 7, p. 376; am. 2017, ch. 55, sec. 2, p. 86.]

54-1412. EXCEPTIONS TO LICENSE REQUIREMENTS. This act shall not be construed to require licensure or to prohibit the practice of nursing by persons assisting in an emergency, students enrolled in approved nursing education programs performing functions incident to formal instruction, nurses licensed by another state, territory or country and employed by the United States government performing official duties, persons rendering nursing services or care of the sick when done in connection with the practice of the religious tenets of any church by adherents thereof, and by such other persons as may be exempt from licensure by rules of the board. Nothing shall be construed as prohibiting the use of medical attendants by the department of correction at its correctional institutions.

[(54-1412), added 1977, ch. 132, sec. 2, p. 285; am. & redesisg. 1998, ch. 118, sec. 9, p. 443.]

54-1413. DISCIPLINARY ACTION. (1) Grounds for discipline. The board shall have the power to refuse to issue, renew or reinstate a license issued pursuant to this chapter and may revoke, suspend, place on probation, reprimand,

mand, limit, restrict, condition or take other disciplinary action against the licensee as it deems proper, upon a determination by the board that the licensee engaged in conduct constituting any one (1) of the following grounds:

- (a) Made, or caused to be made, a false, fraudulent or forged statement or representation in procuring or attempting to procure a license to practice nursing;
- (b) Practiced nursing under a false or assumed name;
- (c) Is convicted of a felony or of any offense involving moral turpitude;
- (d) Is or has been grossly negligent or reckless in performing nursing functions;
- (e) Habitually uses alcoholic beverages or drugs as defined by rule;
- (f) Is physically or mentally unfit to practice nursing;
- (g) Violates the provisions of this chapter or rules and standards of conduct and practice as may be adopted by the board;
- (h) Otherwise engages in conduct of a character likely to deceive, defraud or endanger patients or the public, which includes, but is not limited to, failing or refusing to report criminal conduct or other conduct by a licensee that endangers patients;
- (i) Has been disciplined by a nursing regulatory authority in any jurisdiction. A certified copy of the order entered by the jurisdiction shall be prima facie evidence of such discipline;
- (j) Failure to comply with the terms of any board order, negotiated settlement or probationary agreement of the board, or to pay fines or costs assessed in a prior disciplinary proceeding;
- (k) Engaging in conduct with a patient that is sexual, sexually exploitative, sexually demeaning or may reasonably be interpreted as sexual, sexually exploitative or sexually demeaning; or engaging in conduct with a former patient that is sexually exploitative or may reasonably be interpreted as sexually exploitative. It would not be a violation under this subsection for a nurse to continue a sexual relationship with a spouse or individual of majority if a consensual sexual relationship existed prior to the establishment of the nurse-patient relationship; or
- (l) Failure to comply with the requirements of the abortion complications reporting act, [chapter 95, title 39](#), Idaho Code.
- (2) Separate offense. Each day an individual violates any of the provisions of this chapter or rules and standards of conduct and practice as may be adopted by the board shall constitute a separate offense.
- (3) Proceedings.
 - (a) The executive director shall conduct such investigations and initiate such proceedings as necessary to ensure compliance with this section. The board may accept the voluntary surrender of a license from any nurse under investigation and accordingly enter an order revoking or suspending such license and/or imposing such conditions, limitations, or restrictions on the practice of any such nurse as may be appropriate in the discretion of the board. Otherwise, every person subject to disciplinary proceedings shall be afforded an opportunity for hearing after reasonable notice. All proceedings hereunder shall be in accordance with [chapter 52, title 67](#), Idaho Code.
 - (b) Hearings shall be conducted by the board or by persons appointed by the board to conduct hearings and receive evidence. The board and

any person duly appointed by the board to conduct hearings shall have all powers as are necessary and incident to orderly and effective receipt of evidence including, but not limited to, the power to administer oaths and to compel by subpoena attendance of witnesses and production of books, records and things at the hearing or at a deposition taken by a party in accordance with the Idaho rules of civil procedure. Any party shall be entitled to the use of subpoena upon application therefor.

(c) In the event any person fails to comply with a subpoena personally served upon him or refuses to testify to any matter regarding which he may be lawfully interrogated, the board shall petition the district court in the county where such failure or refusal occurred or where such person resides, to enforce such subpoena or compel such testimony. Proceedings before the district court shall be for contempt in the same nature as contempt of court for failure or refusal to comply with an order of the court, and the court shall have the same powers to secure compliance with subpoena and testimony or to impose penalties as in contempt of court proceedings.

(d) The assessment of costs and attorney's fees incurred in the investigation and prosecution or defense of an administrative proceeding against a licensee under this chapter shall be governed by the provisions of section [12-117](#)(5), Idaho Code.

(4) Probation/subsequent review. Any order of the board entered under this section may be withheld or suspended for a probationary period to be fixed by the board upon such terms and conditions as may be appropriate in order to regulate, monitor and/or supervise the practice of nursing by the licensee subject to such order for the prescribed probationary period. Any order of the board entered under this section may be withdrawn, reversed, modified or amended upon a showing by the person subject to the order that the grounds for discipline no longer exist or that he is rehabilitated, qualified and competent to practice nursing and that he is not likely to violate this chapter or rules adopted hereunder in the future.

(5) Reporting investigative information.

(a) Nothing in section [74-106](#)(8) and (9), Idaho Code, shall be construed as limiting the authority of the board to report current significant investigative information to the coordinated licensure information system for transmission to states that are parties to any multistate agreements or compacts regarding nurse licensure.

(b) The executive director of the board may, in the administration of this chapter, share information and otherwise cooperate with government regulatory and law enforcement agencies.

[(54-1413) 54-1412, added 1977, ch. 132, sec. 2, p. 285; am. 1984, ch. 57, sec. 5, p. 104; am. and redesign. 1998, ch. 118, sec. 10, p. 443; am. 2001, ch. 76, sec. 2, p. 185; am. 2002, ch. 80, sec. 7, p. 181; am. 2008, ch. 67, sec. 2, p. 173; am. 2013, ch. 208, sec. 1, p. 496; am. 2014, ch. 139, sec. 1, p. 377; am. 2015, ch. 141, sec. 138, p. 484; am. 2018, ch. 225, sec. 2, p. 514; am. 2018, ch. 348, sec. 5, p. 801.]

54-1414. UNLAWFUL CONDUCT -- PENALTIES. (1) It shall be unlawful for any person, corporation, association or other legal entity to:

(a) Practice nursing in this state without a current license unless exempted from licensure by this chapter; or

(b) Falsify or forge any application for licensure, license, renewal of license or certification required by this chapter; or

- (c) Falsely represent by use of any designation, title, or statement, that he is licensed pursuant to this chapter; or
- (d) Falsely represent, by use of any designation, title or statement, that a school or course is approved pursuant to this chapter; or
- (e) Employ unlicensed persons to practice nursing in this state unless the person is exempt from licensure by this chapter; or
- (f) Aid, abet, assist or encourage any person in violating this chapter.

(2) Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punishable by fine not to exceed three hundred dollars (\$300) or by imprisonment not to exceed six (6) months or both such fine and imprisonment.

[(54-1414), added 1977, ch. 132, sec. 2, p. 287; am. and redesign. 1998, ch. 118, sec. 11, p. 444; am. 2002, ch. 80, sec. 8, p. 183.]

54-1415. EXISTING LICENSES. Any person holding a license to practice nursing in this state on March 23, 1977, shall be recognized as licensed hereunder and shall be subject to all provisions of this act. The rules of the board in effect at the time of enactment of this act, and the fees fixed by the statute repealed by this act shall remain in full force and effect until the board has adopted supplemental rules pursuant to this act.

[(54-1415) added 1977, ch. 132, sec. 2, p. 287; am. and redesign. 1998, ch. 118, sec. 12, p. 445.]

54-1416. INJUNCTION. Whenever any person violates any of the provisions of this act, the board may maintain an action in the name of the state of Idaho to enjoin said person from any further violations, such action to be brought either in the county in which said acts are claimed to have been or are being committed, in the county where the defendant resides, or in Ada County. Upon the filing of a verified complaint the district court, if satisfied that the acts complained of have been or probably are being or may be committed, may issue a temporary restraining order and/or preliminary injunction, without bond, enjoining the defendant from the commission of any such act or acts constituting said violations. A copy of said complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other similar civil actions. If the commission of said act or acts be established, the court shall enter a decree permanently enjoining said defendant from committing said act or acts. In case of violation of any injunction issued under the provisions of this section, the court or the judge thereof at chambers, may summarily try and punish the offender for contempt of court.

[54-1416, added 1984, ch. 57, sec. 6, p. 105.]

54-1417. ADVISORY COMMITTEE TO THE BOARD. There is hereby created and established an advisory committee to the board on issues related to the advanced practice of nursing.

(1) The committee shall consist of at least ten (10) members appointed by the board of nursing: four (4) advanced practice registered nurses, one (1) from each of the statutorily recognized advanced practice roles; four (4) Idaho licensed physicians; one (1) Idaho licensed pharmacist; and one (1) person who is a layperson to health care occupations ("public member").

The physician and pharmacist members shall be selected by the board from lists of nominees supplied by the Idaho board of medicine and the Idaho board of pharmacy, respectively. Members shall serve three (3) year terms ending on June 30 in the last year of the member's term.

(2) The committee shall meet quarterly or at such times as may be determined by the committee or the board to be necessary.

(3) The committee shall: (a) respond to questions posed by the board or board staff regarding advanced practice nursing; (b) consider nonroutine applications for advanced practice nursing licenses and make recommendations to the board; (c) review complaints against advanced practice nurses and make recommendations to the board; and (d) recommend to the board the scope of practice of advanced practice nurses, using national standards as a guideline.

(4) The committee's recommendations, using national standards as a guideline, may be adopted, rejected or modified by the board, provided that the board shall not expand the scope of practice or prescriptive authority of an advanced practice nurse beyond that recommended by the advisory committee.

[54-1417, added 1998, ch. 118, sec. 13, p. 445; am. 2012, ch. 142, sec. 8, p. 377.]

54-1418. NURSE LICENSURE COMPACT. The terms and conditions of the nurse licensure compact are hereby enacted in substantially the following form:

NURSE LICENSURE COMPACT

ARTICLE I

FINDINGS AND DECLARATION OF PURPOSE

a. The party states find that:

1. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;
2. Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;
3. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;
4. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;
5. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and
6. Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

b. The general purposes of this compact are to:

1. Facilitate the states' responsibility to protect the public's health and safety;
2. Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;
3. Facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions;

4. Promote compliance with the laws governing the practice of nursing in each jurisdiction;
5. Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;
6. Decrease redundancies in the consideration and issuance of nurse licenses; and
7. Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

ARTICLE II DEFINITIONS

As used in this compact:

- a. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.
- b. "Alternative program" means a nondisciplinary monitoring program approved by a licensing board.
- c. "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.
- d. "Current significant investigative information" means:
 1. Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
 2. Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.
- e. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.
- f. "Home state" means the party state which is the nurse's primary state of residence.
- g. "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.
- h. "Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.
- i. "Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN in a remote state.

j. "Nurse" means RN or LPN/VN, as those terms are defined by each party state's practice laws.

k. "Party state" means any state that has adopted this compact.

l. "Remote state" means a party state, other than the home state.

m. "Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

n. "State" means a state, territory or possession of the United States and the District of Columbia.

o. "State practice laws" means a party state's laws, rules and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. "State practice laws" do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

ARTICLE III

GENERAL PROVISIONS AND JURISDICTION

a. A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party state.

b. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records.

c. Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:

1. Meets the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;

2. (i) Has graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program; or

(ii) Has graduated from a foreign RN or LPN/VN prelicensure education program that (a) has been approved by the authorized accrediting body in the applicable country and (b) has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;

3. Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing and listening;

4. Has successfully passed an NCLEX-RN® or NCLEX-PN® examination or recognized predecessor, as applicable;

5. Is eligible for or holds an active, unencumbered license;

6. Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from

the federal bureau of investigation and the agency responsible for retaining that state's criminal records;

7. Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;

8. Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

9. Is not currently enrolled in an alternative program;

10. Is subject to self-disclosure requirements regarding current participation in an alternative program; and

11. Has a valid United States social security number.

d. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

e. A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the laws of the party state in which the client is located at the time service is provided.

f. Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license.

g. Any nurse holding a home state multistate license, on the effective date of this compact, may retain and renew the multistate license issued by the nurse's then-current home state, provided that:

1. A nurse, who changes primary state of residence after this compact's effective date, must meet all applicable article III.c. requirements to obtain a multistate license from a new home state.

2. A nurse who fails to satisfy the multistate licensure requirements in article III.c. due to a disqualifying event occurring after this compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the interstate commission of nurse licensure compact administrators ("commission").

ARTICLE IV

APPLICATIONS FOR LICENSURE IN A PARTY STATE

a. Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.

b. A nurse may hold a multistate license, issued by the home state, in only one (1) party state at a time.

c. If a nurse changes primary state of residence by moving between two (2) party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the commission.

1. The nurse may apply for licensure in advance of a change in primary state of residence.

2. A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

d. If a nurse changes primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

ARTICLE V

ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

a. In addition to the other powers conferred by state law, a licensing board shall have the authority to:

1. Take adverse action against a nurse's multistate licensure privilege to practice within that party state.

i. Only the home state shall have the power to take adverse action against a nurse's license issued by the home state.

ii. For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

2. Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state.

3. Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of

evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

5. Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the federal bureau of investigation for criminal background checks, receive the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions.

6. If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.

7. Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.

b. If adverse action is taken by the home state against a nurse's multi-state license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

c. Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

ARTICLE VI

COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF INFORMATION

a. All party states shall participate in a coordinated licensure information system of all licensed registered nurses (RNs) and licensed practical/vocational nurses (LPNs/VNs). This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

b. The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this compact.

c. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications (with the reasons for such denials) and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.

d. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.

e. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

f. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

g. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

h. The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:

1. Identifying information;
2. Licensure data;
3. Information related to alternative program participation; and
4. Other information that may facilitate the administration of this compact, as determined by commission rules.

i. The compact administrator of a party state shall provide all investigative documents and information requested by another party state.

ARTICLE VII

ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS

a. The party states hereby create and establish a joint public entity known as the interstate commission of nurse licensure compact administrators.

1. The commission is an instrumentality of the party states.
2. Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

b. Membership, voting and meetings.

1. Each party state shall have and be limited to one (1) administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the com-

mission shall be filled in accordance with the laws of the party state in which the vacancy exists.

2. Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

3. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article VIII of this compact.

5. The commission may convene in a closed, nonpublic meeting if the commission must discuss:

- i. Noncompliance of a party state with its obligations under this compact;
- ii. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
- iii. Current, threatened or reasonably anticipated litigation;
- iv. Negotiation of contracts for the purchase or sale of goods, services or real estate;
- v. Accusing any person of a crime or formally censuring any person;
- vi. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- vii. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- viii. Disclosure of investigatory records compiled for law enforcement purposes;
- ix. Disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact; or
- x. Matters specifically exempted from disclosure by federal or state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

c. The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropri-

ate to carry out the purposes and exercise the powers of this compact including, but not limited to:

1. Establishing the fiscal year of the commission;
 2. Providing reasonable standards and procedures:
 - i. For the establishment and meetings of other committees; and
 - ii. Governing any general or specific delegation of any authority or function of the commission;
 3. Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;
 4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;
 5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission; and
 6. Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations;
- d. The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the commission.
 - e. The commission shall maintain its financial records in accordance with the bylaws.
 - f. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.
 - g. The commission shall have the following powers:
 1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;
 2. To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;
 3. To purchase and maintain insurance and bonds;
 4. To borrow, accept or contract for services of personnel including, but not limited to, employees of a party state or nonprofit organizations;
 5. To cooperate with other organizations that administer state compacts related to the regulation of nursing including, but not limited to, sharing administrative or staff expenses, office space or other resources;
 6. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's person-

nel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

7. To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

8. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, whether real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

9. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;

10. To establish a budget and make expenditures;

11. To borrow money;

12. To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons;

13. To provide and receive information from, and to cooperate with, law enforcement agencies;

14. To adopt and use an official seal; and

15. To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice.

h. Financing of the commission.

1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

2. The commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states.

3. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the party states, except by, and with the authority of, such party state.

4. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

i. Qualified immunity, defense and indemnification.

1. The administrators, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope

of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of that person.

2. The commission shall defend any administrator, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error or omission did not result from that person's intentional, willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any administrator, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.

ARTICLE VIII

RULEMAKING

a. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.

b. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

c. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission; and

2. On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

d. The notice of proposed rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment, and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

e. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

f. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

g. The commission shall publish the place, time and date of the scheduled public hearing.

1. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

2. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

h. If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

j. The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

k. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety or welfare;
2. Prevent a loss of commission or party state funds; or
3. Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

1. The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

ARTICLE IX

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

a. Oversight.

1. Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.

2. The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the commission and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

b. Default, technical assistance and termination.

1. If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

i. Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission; and

ii. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state's membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states.

4. A state whose membership in this compact has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state.

6. The defaulting state may appeal the action of the commission by petitioning the U.S. district court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

c. Dispute resolution.

1. Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and nonparty states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

3. In the event the commission cannot resolve disputes among party states arising under this compact:

- i. The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.
 - ii. The decision of a majority of the arbitrators shall be final and binding.
- d. Enforcement.
 - 1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
 - 2. By majority vote, the commission may initiate legal action in the U.S. district court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
 - 3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE X

EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

- a. This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact into law by no less than twenty-six (26) states or December 31, 2018. All party states to this compact, that also were parties to the prior nurse licensure compact, superseded by this compact, ("prior compact"), shall be deemed to have withdrawn from said prior compact within six (6) months after the effective date of this compact.
- b. Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior compact until such party state has withdrawn from the prior compact.
- c. Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.
- d. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.
- e. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this compact.
- f. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

g. Representatives of nonparty states to this compact shall be invited to participate in the activities of the commission, on a nonvoting basis, prior to the adoption of this compact by all states.

ARTICLE XI

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held to be contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

[54-1418, added 2001, ch. 76, sec. 3, p. 187; repeal and new section added 2016, ch. 56, secs. 1 and 2, p. 165.]

54-1419. ADVANCED PRACTICE REGISTERED NURSE COMPACT.[EFFECTIVE DATE -- SEE ARTICLE X OF COMPACT] The terms and conditions of the advanced practice registered nurse compact are hereby enacted in substantially the following form:

ADVANCED PRACTICE REGISTERED NURSE COMPACT

ARTICLE I

FINDINGS AND DECLARATION OF PURPOSE

a. The party states find that:

1. The health and safety of the public are affected by the degree of compliance with advanced practice registered nurse (APRN) licensure requirements and the effectiveness of enforcement activities related to state APRN licensure laws;
2. Violations of APRN licensure and other laws regulating the practice of nursing may result in injury or harm to the public;
3. The expanded mobility of APRNs and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of APRN licensure and regulation;
4. New practice modalities and technology make compliance with individual state APRN licensure laws difficult and complex;
5. The current system of duplicative APRN licensure for APRNs practicing in multiple states is cumbersome and redundant for both APRNs and states; and
6. Uniformity of APRN licensure requirements throughout the states promotes public safety and public health benefits.

b. The general purposes of this compact are to:

1. Facilitate the states' responsibility to protect the public's health and safety;
2. Ensure and encourage the cooperation of party states in the areas of APRN licensure and regulation, including promotion of uniform licensure requirements;
3. Facilitate the exchange of information between party states in the areas of APRN regulation, investigation and adverse actions;
4. Promote compliance with the laws governing APRN practice in each jurisdiction;
5. Invest all party states with the authority to hold an APRN accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;
6. Decrease redundancies in the consideration and issuance of APRN licenses; and
7. Provide opportunities for interstate practice by APRNs who meet uniform licensure requirements.

ARTICLE II DEFINITIONS

As used in this compact:

- a. "Advanced practice registered nurse" or "APRN" means a registered nurse who has gained additional specialized knowledge, skills and experience through a program of study recognized or defined by the interstate commission of APRN compact administrators ("commission") and who is licensed to perform advanced nursing practice. An advanced practice registered nurse is licensed in an APRN role that is congruent with an APRN educational program, certification and commission rules.
- b. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws that is imposed by a licensing board or other authority against an APRN, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice or any other encumbrance on licensure affecting an APRN's authorization to practice, including the issuance of a cease and desist action.
- c. "Alternative program" means a nondisciplinary monitoring program approved by a licensing board.
- d. "APRN licensure" means the regulatory mechanism used by a party state to grant legal authority to practice as an APRN.
- e. "APRN uniform licensure requirements" means minimum uniform licensure, education and examination requirements as adopted by the commission.
- f. "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on APRN licensure and enforcement activities related to APRN licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.
- g. "Current significant investigatory information" means:
 1. Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the APRN to respond, if required by state law, has reason to believe is

not groundless and, if proved true, would indicate more than a minor infraction; or

2. Investigative information that indicates that the APRN represents an immediate threat to public health and safety regardless of whether the APRN has been notified and had an opportunity to respond.

h. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.

i. "Home state" means the party state that is the APRN's primary state of residence.

j. "Licensing board" means a party state's regulatory body responsible for regulating the practice of advanced practice registered nursing.

k. "Multistate license" means an APRN license to practice as an APRN issued by a home state licensing board that authorizes the APRN to practice as an APRN in all party states under a multistate licensure privilege in the same role and population focus as the APRN is licensed in the home state.

l. "Multistate licensure privilege" means a legal authorization associated with an APRN multistate license that permits an APRN to practice as an APRN in a remote state in the same role and population focus as the APRN is licensed in the home state.

m. "Noncontrolled prescription drug" means a device or drug that is not a controlled substance and is prohibited under state or federal law from being dispensed without a prescription. The term includes a device or drug that bears or is required to bear the legend "caution: federal law prohibits dispensing without prescription" or "prescription only" or other legend that complies with federal law.

n. "Party state" means any state that has adopted this compact.

o. "Population focus" means a specific patient population that is congruent with the APRN educational program, certification and commission rules.

p. "Prescriptive authority" means the legal authority to prescribe medications and devices as defined by party state laws.

q. "Remote state" means a party state that is not the home state.

r. "Single-state license" means an APRN license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

s. "State" means a state, territory or possession of the United States and the District of Columbia.

t. "State practice laws" means a party state's laws, rules and regulations that govern APRN practice, define the scope of advanced nursing practice, including prescriptive authority, and create the methods and grounds for imposing discipline. State practice laws do not include the requirements necessary to obtain and retain an APRN license, except for qualifications or requirements of the home state.

ARTICLE III

GENERAL PROVISIONS AND JURISDICTION

a. A state must implement procedures for considering the criminal history records of applicants for initial APRN licensure or APRN licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by APRN applicants for the purpose of

obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records.

b. By rule, the commission shall adopt the APRN uniform licensure requirements ("ULRs"). The ULRs shall provide the minimum requirements for APRN multistate licensure in party states, provided that the commission may adopt rules whereby an APRN, with an unencumbered license on the effective date of this compact, may obtain, by endorsement or otherwise, and retain a multistate license in a party state.

c. In order to obtain or retain a multistate license, an APRN must meet, in addition to the ULRs, the home state's qualifications for licensure or renewal of licensure, as well as all other applicable home state laws.

d. By rule, the commission shall identify the approved APRN roles and population foci for licensure as an APRN. An APRN issued a multistate license shall be licensed in an approved APRN role and at least one (1) approved population focus.

e. An APRN multistate license issued by a home state to a resident in that state will be recognized by each party state as authorizing the APRN to practice as an APRN in each party state, under a multistate licensure privilege, in the same role and population focus as the APRN is licensed in the home state. If an applicant does not qualify for a multistate license, a single-state license may be issued by a home state.

f. Issuance of an APRN multistate license shall include prescriptive authority for noncontrolled prescription drugs unless the APRN was licensed by the home state prior to the home state's adoption of this compact and has not previously held prescriptive authority.

1. An APRN granted prescriptive authority for noncontrolled prescription drugs in the home state may exercise prescriptive authority for noncontrolled prescription drugs in any remote state while exercising a multistate licensure privilege under an APRN multistate license; the APRN shall not be required to meet any additional eligibility requirements imposed by the remote state in exercising prescriptive authority for noncontrolled prescription drugs.

2. Prescriptive authority in the home state for an APRN who was not granted prescriptive authority at the time of initial licensure by the home state, prior to the adoption of this compact, shall be determined under home state law.

3. Prescriptive authority eligibility for an APRN holding a single-state license shall be determined under the law of the licensing state.

g. For each state in which an APRN seeks authority to prescribe controlled substances, the APRN shall satisfy all requirements imposed by such state in granting and/or renewing such authority.

h. An APRN issued a multistate license is authorized to assume responsibility and accountability for patient care independent of a supervisory or collaborative relationship with a physician. This authority may be exercised in the home state and in any remote state in which the APRN exercises a multistate licensure privilege. For an APRN issued a single-state license in a party state, the requirement for a supervisory or collaborative relationship with a physician shall be determined under applicable party state law.

i. All party states shall be authorized, in accordance with state due process laws, to take adverse action against an APRN's multistate licensure

privilege such as revocation, suspension, probation or any other action that affects an APRN's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

j. An APRN practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. APRN practice is not limited to patient care but shall include all advanced nursing practice as defined by the state practice laws of the party state in which the client is located. APRN practice in a party state under a multistate licensure privilege will subject the APRN to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided.

k. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as satisfying any state law requirement for registered nurse licensure as a precondition for authorization to practice as an APRN in that state.

l. Individuals not residing in a party state shall continue to be able to apply for a party state's single-state APRN license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice as an APRN in any other party state.

ARTICLE IV

APPLICATIONS FOR APRN LICENSURE IN A PARTY STATE

a. Upon application for an APRN multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held or is the holder of a licensed practical/vocational nursing license, a registered nursing license or an advanced practice registered nurse license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program.

b. An APRN may hold a multistate APRN license, issued by the home state, in only one (1) party state at a time.

c. If an APRN changes primary state of residence by moving between two (2) party states, the APRN must apply for APRN licensure in the new home state, and the multistate license issued by the prior home state shall be deactivated in accordance with applicable commission rules.

1. The APRN may apply for licensure in advance of a change in primary state of residence.

2. A multistate APRN license shall not be issued by the new home state until the APRN provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable

requirements to obtain a multistate APRN license from the new home state.

d. If an APRN changes primary state of residence by moving from a party state to a nonparty state, the APRN multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

ARTICLE V

ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

a. In addition to the other powers conferred by state law, a licensing board shall have the authority to:

1. Take adverse action against an APRN's multistate licensure privilege to practice within that party state.
 - i. Only the home state shall have power to take adverse action against an APRN's license issued by the home state.
 - ii. For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct that occurred outside of the home state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.
2. Issue cease and desist orders or impose an encumbrance on an APRN's authority to practice within that party state.
3. Complete any pending investigations of an APRN who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.
4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a party state licensing board for the attendance and testimony of witnesses and/or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing licensing board shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses and/or evidence are located.
5. Obtain and submit, for an APRN licensure applicant, fingerprints or other biometric-based information to the federal bureau of investigation for criminal background checks, receive the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions.
6. If otherwise permitted by state law, recover from the affected APRN the costs of investigations and disposition of cases resulting from any adverse action taken against that APRN.
7. Take adverse action based on the factual findings of another party state, provided that the licensing board follows its own procedures for taking such adverse action.

b. If adverse action is taken by a home state against an APRN's multi-state licensure, the privilege to practice in all other party states under a multistate licensure privilege shall be deactivated until all encumbrances have been removed from the APRN's multistate license. All home state disciplinary orders that impose adverse action against an APRN's multistate license shall include a statement that the APRN's multistate licensure privilege is deactivated in all party states during the pendency of the order.

c. Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any APRN for the duration of the APRN's participation in an alternative program.

ARTICLE VI

COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF INFORMATION

a. All party states shall participate in a coordinated licensure information system of all APRNs, licensed registered nurses and licensed practical/vocational nurses. This system will include information on the licensure and disciplinary history of each APRN, as submitted by party states, to assist in the coordinated administration of APRN licensure and enforcement efforts.

b. The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this compact.

c. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications (with the reasons for such denials) and APRN participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic and/or confidential under state law.

d. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.

e. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

f. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

g. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing the information shall be removed from the coordinated licensure information system.

h. The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:

1. Identifying information;
2. Licensure data;
3. Information related to alternative program participation information; and
4. Other information that may facilitate the administration of this compact, as determined by commission rules.

i. The compact administrator of a party state shall provide all investigative documents and information requested by another party state.

ARTICLE VII

ESTABLISHMENT OF THE INTERSTATE COMMISSION OF APRN COMPACT ADMINISTRATORS

a. The party states hereby create and establish a joint public agency known as the interstate commission of APRN compact administrators.

1. The commission is an instrumentality of the party states.
2. Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

b. Membership, voting and meetings.

1. Each party state shall have and be limited to one (1) administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists.
2. Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.
3. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.
4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article VIII of this compact.
5. The commission may convene in a closed, nonpublic meeting if the commission must discuss:
 - i. Noncompliance of a party state with its obligations under this compact;

- ii. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
- iii. Current, threatened or reasonably anticipated litigation;
- iv. Negotiation of contracts for the purchase or sale of goods, services or real estate;
- v. Accusing any person of a crime or formally censuring any person;
- vi. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- vii. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- viii. Disclosure of investigatory records compiled for law enforcement purposes;
- ix. Disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact; or
- x. Matters specifically exempted from disclosure by federal or state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

c. The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact including, but not limited to:

- 1. Establishing the fiscal year of the commission;
- 2. Providing reasonable standards and procedures:
 - i. For the establishment and meetings of other committees; and
 - ii. Governing any general or specific delegation of any authority or function of the commission.
- 3. Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;
- 4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission;
6. Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment and/or reserving of all of its debts and obligations;
- d. The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the commission;
- e. The commission shall maintain its financial records in accordance with the bylaws; and
- f. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.
- g. The commission shall have the following powers:
 1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;
 2. To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;
 3. To purchase and maintain insurance and bonds;
 4. To borrow, accept or contract for services of personnel including, but not limited to, employees of a party state or nonprofit organizations;
 5. To cooperate with other organizations that administer state compacts related to the regulation of nursing including, but not limited to, sharing administrative or staff expenses, office space or other resources;
 6. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;
 7. To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety and/or conflict of interest;
 8. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, whether real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;
 9. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;
 10. To establish a budget and make expenditures;
 11. To borrow money;
 12. To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons;

13. To provide and receive information from, and to cooperate with, law enforcement agencies;

14. To adopt and use an official seal; and

15. To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of APRN licensure and practice.

h. Financing of the commission.

1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

2. The commission may levy on and collect an annual assessment from each party state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states.

3. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the party states, except by, and with the authority of, such party state.

4. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

i. Qualified immunity, defense and indemnification.

1. The administrators, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of that person.

2. The commission shall defend any administrator, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error or omission did not result from that person's intentional, willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any administrator, officer, executive director, employee or representative of the commis-

sion for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.

ARTICLE VIII

RULEMAKING

a. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.

b. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

c. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission; and
2. On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

d. The notice of proposed rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment, and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

e. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

f. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

g. The commission shall publish the place, time and date of the scheduled public hearing.

1. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

2. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

h. If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

j. The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

k. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety or welfare;
2. Prevent a loss of commission or party state funds; or
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

1. The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

ARTICLE IX

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

a. Oversight.

1. Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.

2. The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the commission and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

b. Default, technical assistance and termination.

1. If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

- i. Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and

- ii. Provide remedial training and specific technical assistance regarding the default.
- 2. If a state in default fails to cure the default, the defaulting state's membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
- 3. Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board, the defaulting state's licensing board, and each of the party states.
- 4. A state whose membership in this compact has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
- 5. The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated, unless agreed upon in writing between the commission and the defaulting state.
- 6. The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
- c. Dispute resolution.
 - 1. Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and nonparty states.
 - 2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.
 - 3. In the event the commission cannot resolve disputes among party states arising under this compact:
 - i. The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.
 - ii. The decision of a majority of the arbitrators shall be final and binding.
- d. Enforcement.
 - 1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
 - 2. By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event ju-

dicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE X

EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

a. This compact shall come into limited effect at such time as this compact has been enacted into law in ten (10) party states for the sole purpose of establishing and convening the commission to adopt rules relating to its operation and the APRN ULRs.

b. On the date of the commission's adoption of the APRN ULRs, all remaining provisions of this compact and rules adopted by the commission shall come into full force and effect in all party states.

c. Any state that joins this compact subsequent to the commission's initial adoption of the APRN uniform licensure requirements shall be subject to all rules that have been previously adopted by the commission.

d. Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

e. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

f. Nothing contained in this compact shall be construed to invalidate or prevent any APRN licensure agreement or other cooperative arrangement between a party state and a nonparty state that does not conflict with the provisions of this compact.

g. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon any party state until it is enacted into the laws of all party states.

h. Representatives of nonparty states to this compact shall be invited to participate in the activities of the commission, on a nonvoting basis, prior to the adoption of this compact by all states.

ARTICLE XI

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held to be contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

[54-1419, added 2016, ch. 55, sec. 1, p. 152.]